

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BRIAN HUTCHINS.

Plaintiff,

V.

TDCJ,

Defendant.

Case No. 6:20-cv-345-JDK-JDL

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Brian Hutchins, an inmate confined at the Gurney Unit within the Texas Department of Criminal Justice (TDCJ), proceeding pro se, filed this civil rights action on June 22, 2020. Docket No. 1. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the action.

On September 1, 2020, Judge Love issued a Report recommending that Plaintiff's civil rights lawsuit be dismissed without prejudice for failure to comply with a court order and failure to prosecute. Docket No. 6. A copy of this Report was sent to Plaintiff at the address he provided. To date, no objections to the Report have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct.

Accordingly, the Court hereby **ADOPTS** the Report of the United States Magistrate Judge, (Docket No. 6), as the opinion of the Court. Further, it is **ORDERED** that this civil rights action is **DISMISSED** without prejudice for failure to comply with a court order and failure to prosecute. Finally, it is **ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this 14th day of **October, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE